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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Acti in Summary Application Application Applicant(s) OALBY ET AL Examiner								
Examiner		Applicati n N .	Applicant(s)					
State Pappu Art Unit State Pappu State Pappu State Pappu The Art Unit Pappu The Art Unit State Pappu The Art Unit Pappu The Art Unit Pappu The Art Unit T	055 - 4-41 - 0	09/937,837	DALBY ET AL.					
Peri d f r Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ∫ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of name may be available used the provisions of \$7 CRT 1.136(a). In no event, however, may a reply be timely filed. Extensions of name may be available used the provisions of \$7 CRT 1.136(a). In no event, however, may a reply be timely filed. Extensions of time may be available used the provisions of \$7 CRT 1.136(a). In no event, however, may a reply be timely filed. Extensions of time may be available used the provisions of \$7 CRT 1.136(a). In no event, however, may a reply be timely filed or this communication. False period for reply appelled such sets than thirty (30) days, at largely within the saturative reply of all pages and we eight so (Month's from the malling date of this communication. False is heply within the set or estended privide for reply will, by statute, cause the application to become ABANDONED (39 U.S. 0.§ 133). Responsive to communication(s) filed on \$0.7 January 2002. 20a This action is FINAL. 20b This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) \$\frac{1.50}{1.50}\$ Is/are pending in the application. 4a) Of the above claim(s) \$\frac{1.50}{1.50}\$ is/are withdrawn from consideration. 5) Claim(s) \$\frac{1.50}{1.50}\$ is/are an ellowed. 6) Claim(s) \$\frac{1.50}{1.50}\$ is/are objected to. 8) Claim(s) \$\frac{1.50}{1.50}\$ are subject to restriction and/or election requirement. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on \$\frac{1.50}{1.50}\$ is/are rejected. 12) The coath or declaration is objected to by the Examiner. Priority under 35 U.S.C. \$\frac{3.19}{3.19}\$ in the cartified copies of the priority documents have been rec	Oπice Acti n Summary	Examiner	Art Unit					
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Application/Control Number: 09/937,837

Art Unit: 1636

DETAILED ACTION

Claims 1-50 are pending in the instant application. IDS filed 01/07/2002 (paper #7) has been entered.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-18, 19-24, 25-28, 31-36, 38-50, drawn to a method for modulating a cellular process comprising contacting a cell with a cell process-modifying molecule, wherein the molecule is a <u>polynucleotide</u> attached to a translocating polypeptide and encodes <u>a protein or enzyme.</u>

Group II, claim(s) 1-18, 25-30, 31, 37-50 drawn to a method for modulating a cellular process comprising contacting a cell with a cell process-modifying molecule, wherein the molecule is a <u>polynucleotide</u> attached to a translocating polypeptide and encodes <u>a</u> single chain antibody.

Group III, claim(s) 1, 12-17, 19-28, 31-36, 38-41, 46, drawn to a method for modulating a cellular process comprising contacting a cell with a cell process-modifying molecule, wherein the molecule is a polypeptide attached to a translocating polypeptide.

Group IV, claim(s) 1, 12-17, 29, 31, 37, 38-41, 46, drawn to a method for modulating a cellular process comprising contacting a cell with a cell process-modifying molecule, wherein the molecule is a single chain antibody attached to a translocating polypeptide.

Claims 1, 12-17, 31, 38-41, 46 embrace the inventions of Groups I-IV. Should one of these Groups be elected, claims 1, 12-17, 31, 38-41, 46 will be examined only to the extent they encompass the elected subject matter.

Claims 2-11, 18, 42-45, 47-50 embrace the inventions of Groups I-II. Should one of these Groups be elected, claims 2-11, 18, 42-45, 47-50 will be examined only to the extent they encompass the elected subject matter.

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Claims 19-24, 32-36 embrace the inventions of Groups I and III. Should one of these Groups be elected, claims 19-24, 32-36 will be examined only to the extent they encompass the elected subject matter.

Claims 25-28 embrace the inventions of Groups I, II and III. Should one of these Groups be elected, claims 25-28 will be examined only to the extent they encompass the elected subject matter.

Claims 29, 37 embrace the inventions of Groups II & IV. Should one of these Groups be elected, claims 29, 37 will be examined only to the extent they encompass the elected subject matter.

The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of groups I and II is a polynucleotide while the special technical feature of group III is a protein and that of group IV an antibody which are structurally different from one another, and exhibit different properties. The polynucleotides of Groups I and II encode different products (protein or enzyme, and an antibody respectively) that have different biological properties and functions.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sita S Pappu whose telephone number is (703) 305-5039. The examiner can normally be reached on Mon-Fri (8:30 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached on (703) 305 1998. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308 4242 for regular communications and (703) 872 9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the patent analyst, Tracey Johnson, whose telephone number is (703) 305-2982.

S. Pappu June 28, 2002 ANNE-MARIE BAKER
PATENT EXAMINER

Anne-Marie Baken